

**STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD**

IN THE MATTER OF PROPOSED NEW REGULATION,
20.2.50 NMAC – *Oil and Gas Sector – Ozone Precursor Pollutants*

No. EIB 21-27 (R)

**NEW MEXICO ENVIRONMENT DEPARTMENT'S
NOTICE OF INTENT TO PRESENT REBUTTAL TECHNICAL TESTIMONY**

Pursuant to 20.1.1.302 NMAC, the *Order of Hearing Determination* issued by the Environmental Improvement Board (“Board”) on June 7, 2021, and the *Procedural Order* issued by the Hearing Officer on August 26, 2021, the New Mexico Environment Department (“Department” or “NMED”) submits this Notice of Intent to Present Rebuttal Technical Testimony for the hearing in this matter currently scheduled to begin on September 20, 2021.

1. Entity for whom the witnesses will testify

The witnesses will testify for the Air Quality Bureau of the Environmental Protection Division of the Department.

2. Identity of witnesses

The Department will call the following witnesses to present rebuttal technical testimony at the hearing:

Elizabeth Bisbey-Kuehn is the Bureau Chief of the Department’s Air Quality Bureau. Her resume is attached as NMED Exhibit 6. Ms. Bisbey-Kuehn’s written rebuttal testimony is attached as NMED Rebuttal Exhibit 1.

Brian Palmer is a Senior Scientist with Eastern Research Group, Inc. His resume is attached as NMED Exhibit 33. Mr. Palmer’s written rebuttal testimony is attached as NMED Rebuttal Exhibits 1 and 19.

Susan Day is a Senior Economist with Eastern Research Group, Inc. Her resume is attached as NMED Exhibit 103. Ms. Day's written rebuttal testimony is attached as NMED Exhibit 19.

Ralph Morris is the Managing Principal at Ramboll Environment & Health. His resume is attached as NMED Exhibit 107. Mr. Morris' written rebuttal testimony is attached as NMED Rebuttal Exhibit 11.

Cindy Hollenberg is the Enforcement Manager of the Compliance and Enforcement Section of the New Mexico Environment Department's Air Quality Bureau. Her resume is attached as NMED Rebuttal Exhibit 15. Ms. Hollenberg's written rebuttal testimony is attached as NMED Rebuttal Exhibit 14.

Brandon Powell is the Engineering Bureau Chief of the Oil Conservation Division of the New Mexico Energy, Minerals and Natural Resources. His resume is attached as NMED Rebuttal Exhibit 18. Mr. Powell's written rebuttal testimony is attached as NMED Rebuttal Exhibit 17.

Michael G. Baca is the Staff Manager for the Control Strategies Section within the Department's Air Quality Bureau. His resume is attached as NMED Exhibit 2. Mr. Baca's written rebuttal testimony is attached as NMED Rebuttal Exhibit 22.

The Department may call the following witness:

Brielle Kissel Meade is a Senior Economist with Eastern Research Group, Inc. Her resume is attached as NMED Rebuttal Exhibit 16. The Department is identifying Ms. Meade as a backup witness for NMED Susan Day. Ms. Day is scheduled to be out of the country during the hearing dates. While she expects to still be able to testify virtually at the hearing, Ms. Meade will be available in the event that technical or other issues prevent Ms. Day from being able to access or participate in the hearing from abroad. Ms. Meade has worked with Ms. Day on the direct and

rebuttal testimony, and has the requisite expertise to cover questions relating to that testimony at the hearing in the event Ms. Day is unable to participate.

Estimated duration of rebuttal oral testimony of witnesses

Pursuant to the Procedural Order, each witness will be limited to no more than 30 minutes per topic for summarizing both their direct and rebuttal testimony on that topic.

3. List of exhibits to be offered by the Department at the hearing

A list of exhibits that the Department intends to offer into evidence in this matter is attached to this Notice. The Department reserves the right to call any additional witnesses to provide surrebuttal testimony, and introduce and move for admission of any other exhibit in support of surrebuttal testimony, at the hearing in this matter.

Respectfully submitted,

**NEW MEXICO ENVIRONMENT DEPARTMENT
OFFICE OF GENERAL COUNSEL**

By: /s/ Lara Katz
Lara Katz
Andrew Knight
Assistants General Counsel
1190 St. Francis Drive, Suite N-4050
Santa Fe, New Mexico 87502
(505) 469-5861
lara.katz@state.nm.us
andrew.knight@state.nm.us

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *New Mexico Environment Department's Notice of Intent to Present Rebuttal Technical Testimony* was filed with the Environmental Improvement Board Administrator and served on the following via electronic mail on September 7, 2021.

Felicia L. Orth
Hearing Officer
Felicia.L.Orth@gmail.com

Pamela Jones
Hearing Administrator
Environmental Improvement Board
1190 Saint Francis Drive, Suite S2102
Santa Fe, New Mexico 87505
Pamela.jones@state.nm.us

*Administrator for the
Environmental Improvement Board*

Elizabeth Paranhos
delone Law Inc.
1555 Jennine Place
Boulder, Colorado 80304
elizabethparanhos@delonelaw.com

Counsel for Environmental Defense Fund

Eric L. Hiser
Brandon Curtis
5080 N. 40th St, Suite 245
Phoenix, AZ 85024
(480) 505-3900
ehiser@jhjlawyers.com
bcurtis@jhjlawyers.com

Dalva L. Moellenberg
1239 Paseo de Peralta
Santa Fe, New Mexico 87501-2758
505-982-9523
DLM@gknet.com

*Counsel for the New Mexico Oil and Gas
Association*

Karla Soloria
New Mexico Office of the Attorney General
P.O. Box 1508
Santa Fe, New Mexico 87504-1508
ksoloria@nmag.gov

*Counsel for the Environmental Improvement
Board*

Tannis Fox
Western Environmental Law Center
409 East Palace Avenue, #2
Santa Fe, New Mexico 87501
505-629-0732
fox@westernlaw.org

David R. Baake
Baake Law LLC
2131 North Main Street
Las Cruces, New Mexico 88001
575-343-2782
david@baakelaw.com

*Counsel for Conservation Voters New
Mexico, Diné C.A.R.E., Earthworks, Natural
Resources Defense Council, San Juan Citizens
Alliance, Sierra Club, and 350 New Mexico*

Charles de Saillan
New Mexico Environmental Law Center
1405 Luisa Street, Suite 5
Santa Fe, New Mexico 87505-4074
505-989-9022
cdesaillan@nmelc.org

*Counsel for the New Mexico Environmental
Law Center*

Daniel Jaynes, clinical law student
Keifer Johnson, clinical law student
Gabriel Pacyniak, supervising attorney
Natural Resources & Environmental Law
Clinic
University of New Mexico
1117 Stanford Dr. NE
Albuquerque, New Mexico 87106
505-277-2146
jaynesda@law.unm.edu
johnsoke@law.unm.edu
pacyniak@law.unm.edu

*Counsel for Center for Civic Policy and
NAVA Education Project*

Christopher J. Neumann
Gregory R. Tan
Casey Shpall
Greenberg Traurig, LLP
1144 Fifteenth Street, Suite 3300
Denver, Colorado 80202
303-572-6500
neumannc@gtlaw.com
tangr@gtlaw.com
shpallc@gtlaw.com

*Counsel for NGL Energy Partners LP;
Solaris Water Midstream, LLC; OWL SWD
Operating, LLC; and Goodnight Midstream,
LLC*

Matthias L. Sayer
NGL Energy Partners LP
125 Lincoln Ave., Suite 222
Santa Fe, New Mexico 87501
matthias.sayer@nglep.com

*Additional Counsel for NGL Energy Partners,
LP*

Louis W. Rose
Kari Olson
Ricardo S. Gonzales
Montgomery & Andrews, P.A.
P.O. Box 2307
Santa Fe, New Mexico 87504-2307
505-982-3873
lrose@montand.com
kolson@montand.com
rgonzales@montand.com

*Counsel for the Independent Petroleum
Association of New Mexico*

Ana Maria Gutiérrez
Hogan Lovells US LLP
1601 Wewatta Street, Suite 900
Denver, Colorado 80202
303-454-2514
Ana.gutierrez@hoganlovells.com

Sandra Milena McCarthy
Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street, NW
202-637-3217
Washington, DC 20004
Sandra.mccarthy@hoganlovells.com

*Counsel for Kinder Morgan, Inc., El Paso
Natural Gas Company, L.L.C.,
TransColorado Gas Transmission Co., LLC,
and Natural Gas Pipeline Company of
America, LLC*

J. Scott Janoe
Baker Botts, L.L.P.
910 Louisiana Street
Houston, Texas 77002
713-229-1421
scott.janoe@bakerbotts.com

Counsel for Oxy USA, Inc.

Christopher L. Colclasure
Beatty & Wozniak, P.C.
216 16th Street, Suite 1100
Denver, Colorado 80202
ccolclasure@bweenenergylaw.com

*Counsel for 3 Bear Delaware Operating –
NM, LLC*

Jeffrey Holmstead
Tim Wilkins
Whit Swift
Bracewell LLP
111 Congress Avenue, Suite 2300
Austin, Texas 78701
jeff.holmstead@bracewell.com
tim.wilkins@bracewell.com
whit.swift@bracewell.com

Stuart R. Butzier
Christina C. Sheehan
Modrall, Sperling, Roehl, Harris & Sisk, P.A.
Post Office Box 2168
Albuquerque, New Mexico 87103-2162
srb@modrall.com
ccs@modrall.com

Counsel for The Gas Compressor Association

Matthew A. Nykiel
3798 Marshal Street, Suite 8
Wheat Ridge, Colorado 80033
303-501-5763
mnykiel@wildearthguardians.org

Daniel L. Timmons
WildEarth Guardians
301 N. Guadalupe Street, Suite 201
Santa Fe, New Mexico 87501
dtimmons@wildearthguardians.org

Counsel for WildEarth Guardians

/s/ Lara Katz
Lara Katz